

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

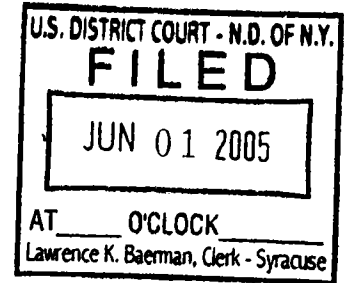
FRANKLYN BURGOS,

Plaintiff,

-v.-

T.S. CRAIG, Warden, FCI Raybrook; D. MARINI, Clinical
Director; and LIBERTY, Physicians Assistant,

Defendants.



9:05-CV-0601
(GLS)(GHL)

APPEARANCES:

FRANKLYN BURGOS
Plaintiff, *pro se*
14340-014
FCI Raybrook
P.O. Box 9004
Raybrook, New York 12977

GEORGE H. LOWE, MAGISTRATE JUDGE

ORDER

The Clerk has sent to the Court a civil rights Complaint, together with an application to proceed *in forma pauperis* and an inmate authorization form, from Franklyn Burgos ("Plaintiff"), who is currently incarcerated at the Federal Correctional Institution at Raybrook, New York. Dkt. Nos. 1-3. Plaintiff has not paid the filing fee required for this action.

In his *pro se* Complaint, Plaintiff alleges that he was denied medical care in deliberate indifference to his serious medical needs and subjected to cruel and inhuman treatment. For a more complete statement of Plaintiff's claims, reference is made to the entire Complaint.

As to Plaintiff's *in forma pauperis* application, after reviewing the entire file, the Court finds that the Plaintiff may properly proceed with this matter *in forma pauperis*.

WHEREFORE, it is hereby

ORDERED, that Plaintiff's *in forma pauperis* application is granted.¹ The Clerk shall complete waiver of service of process forms for each Defendant and provide same to the United States Marshal, who shall serve such forms, together with a copy of Plaintiff's Complaint, on each of the individual Defendants named herein. The Clerk shall also issue summonses and forward them, along with copies of the Complaint, to the United States Marshal, for service on both the United States Attorney for the Northern District of New York ("U.S. Attorney's Office") and the Attorney General of the United States in Washington, D.C. in accordance with the Federal Rules of Civil Procedure. The Clerk shall also forward a copy of this Order to the U.S. Attorney's Office, and it is further

ORDERED, that the Clerk provide the Warden of the facility, designated by Plaintiff as his current location, with a copy of Plaintiff's authorization form, and notify such official that this action has been filed and that Plaintiff is required to pay the entire statutory filing fee of \$250.00 pursuant to 28 U.S.C. § 1915, and it is further

ORDERED, that the Clerk provide a copy of Plaintiff's authorization form to the Financial Deputy of the Clerk's Office, and it is further

ORDERED, that a response to Plaintiff's complaint be filed by the Defendants or their counsel as provided for in Rule 12 of the Federal Rules of Civil Procedure, and it is further

ORDERED, that all pleadings, motions and other documents relating to this action be filed


¹ Plaintiff should note that although the application to proceed *in forma pauperis* has been granted, Plaintiff will still be required to pay fees that he may incur in this action, including copying and/or witness fees.

with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367. Any paper sent by a party to the Court or the Clerk must be accompanied by a certificate showing that a true copy of it was mailed to all opposing parties or their counsel. Any document received by the Clerk or the Court which does not include a certificate of service showing that a copy was served upon all opposing parties or their attorneys will be returned, without processing. Plaintiff must comply with any requests by the Clerk's Office for any documents that are necessary to maintain this action. All parties must comply with Local Rule 7.1 of the Northern District of New York in filing motions, which must be returnable before the assigned Magistrate Judge with proper allowance for notice as required by the Rules. Plaintiff is also required to promptly notify the Clerk's Office and all parties or their counsel of any change in Plaintiff's address; his failure to do so will result in the dismissal of this action. All motions will be decided on submitted papers without oral argument unless otherwise ordered by the Court, and it is further

ORDERED, that the Clerk serve a copy of this Order on the Plaintiff by regular mail.

IT IS SO ORDERED.

Dated: June 1, 2005
Syracuse, New York


George H. Lowe
United States Magistrate Judge